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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,457	06/14/2006	Marc Andre Peters	NL031487	6887
24737 7590 11/30/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER CHEN, YI	
			ART UNIT 4152	PAPER NUMBER
			MAIL DATE 11/30/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/596,457

Applicant(s)

PETERS ET AL.

Examiner

Yi Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06/14/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/14/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-21 are pending in this application.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 19-20 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. In claim 19, a "control software" is being recited; it would have been obvious to one of ordinary skill in the art to interpret the "control software" as software, per se.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 8-13, and 15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Logan et al., (US 2003/0093790 A1), hereinafter Logan.

6. Regarding claim 1, Logan discloses that a method of enabling to identify a group of peers on P2P network, the method comprising enabling to use an identifier associated with a content broadcast, (metadata about broadcast programming, 0092), for identifying the group. (0092)

7. Regarding claim 8, Logan discloses that a method of identifying a group of peers on a P2P network, the method comprising using an identifier associated with a content broadcast, (metadata about broadcast programming, 0092), for identifying the group. (0092)

8. Regarding claim 15, Logan discloses that an apparatus configured for use on a P2P network and operative to process an identifier associated with content broadcast, (metadata about broadcast programming, 0092), to enable to identify a group of peers on a P2P network. (0092)

9. Regarding claim 19, Logan discloses control software for configuring a data network apparatus to process an identifier associated with content broadcast, (metadata about broadcast programming, 0092), for identifying a group of peers on the data network. (0092)

10. Regarding claim 21, Logan discloses a broadcast program comprising an identifier, (metadata about broadcast programming, 0092), for enabling to identify a group of peers on a P2P network. (0092)

11. Regarding claims 2, 9 and 16, Logan discloses providing the identifier via the broadcast. (Metadata about broadcast programming, 0092)

12. Regarding claims 3,10, and 17 Logan discloses operative to receive the identifier via an EPG listing the broadcast. (0128, line 1-4)

13. Regarding claims 4 and 11, Logan discloses enabling to obtain the identifier from a further identifier representative of the content broadcast. (0094, 0095)

14. Regarding claims 5 and 12, Logan discloses providing the further identifier via the broadcast. (0094)

15. Regarding claims 6 and 13, Logan disclose providing the further identifier via an EPG. (0095)

16. Regarding claims 18 and 20, Logan discloses operative to process a further identifier representative of the broadcast, (0094), so as to enable to obtain the identifier of the group of peers. (0093-0094)

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan as applied to claim 1, 4, 8, and 11 above in view of Jong et al., (IST-2000-28703: Share it! Deliverable #3, Description of example), hereinafter Jong.

19. Regarding claims 7 and 14, Logan doesn't disclose the further identifier comprising a TV-Anytime CRID.

Jong discloses the further identifier comprising a TV-Anytime CRID. (Users can search for content using metadata queries. For the purposes of the project we use CRIDs for referencing (broadcasting) content, 1.2.3.2)

At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the teaching of Logan and a TV-Anytime CRID is an identifier for referencing broadcast content as described by Jong to generate a system, which can use CRIDs to link a broadcast to one or more P2P groups and their associated services.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yi Chen whose telephone number is 571-270-3805. The examiner can normally be reached on 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil Elhady can be reached on 571-272-3963. The fax

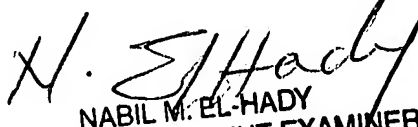
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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Y.C

11/19/2007

  
NABIL M. EL-HADY  
SUPERVISORY PATENT EXAMINER